IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24378 of 2004

Between:

The Mallanur Toddy Tappers Co-operative Society Limited, (Regd.C.R.No.244), Mallanur village and post, Kuppam Mandal, Chittoor Dist., rep.by its President K.Narasimhulu, S/o.Sundara Rajulu, Age:35 Yrs., R/o.Mallanur village and post, Kuppam Mandal, Chittor District.

..... PETITIONER

AND

The Superintendent of Prohibition and Excise, Chittoor, Chittor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order more particularly one in the nature of writ of Mandamus directing the respondent and Excise officials or outsiders not to interfere with the smooth functioning of the petitioner society and its members by way of exerting undue influence and pressure for increasing the membership strength beyond its present capacity.

Counsel for the Petitioner: MR.K.SRINIVASA VARADA CHARY

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following ORDER:

Petitioner is a toddy tappers Co-operative Society of Mallanur village, Kuppam mandal, Chittoor district. Its grievance is that the respondent is exerting pressure upon it, to admit new members and is interfering with the smooth functioning of the Society. In the affidavit filed in support of the writ petition, it is stated that the trees available for tapping in the village are very limited and it would not be economical for any member, if any addition is made to the existing 12 members of the Society.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition & Excise.

The formation and administration of toddy tappers Co-operative Societies is governed by the provisions of the A.P. Co-operative Societies Act, the A.P. Excise Act, the Rules made there under and the policy issued by the Government from time to time. Each Society has an area of operation and persons, who acquire the requisite qualifications, are entitled to be admitted as members. Section 19 of the A.P. Co-operative Societies Act deals with the procedure for admission of new members. The question as to whether there exist any eligible candidates to be admitted and whether the policy of the day, permits of such admission, needs to be considered as and when situation arises. The opinion and views of the petitioner would certainly be taken into account before it is required to admit any member. If the petitioner feels aggrieved by any order in this regard, it can certainly avail the necessary remedies.

For the foregoing reasons, the writ petition is disposed of directing that any action against the petitioner, be it as regards admission of new members or otherwise, shall be strictly in accordance with the relevant provisions of law and after giving an opportunity to the petitioner. There shall be no order as to costs.

28.12.2004

Note:

Issue CC in two days.

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To

1 The Superintendent of Prohibition and Excise, Chittoor, Chittor District.

2 Two C.Cs. to the Government Pleader for Prohibition and Excise, High Court Buildings, A.P., Hyderabad (OUT).

3 Two C.D. Copies.